IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Crl.MC.No. 2158 of 2004

ST.559/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR

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PETITIONER/ACCUSED:

P.E.PONNACHAN, PUTHANVEETTIL HOUSE,
S.F.C.CHURCH, VELLARKKAD, THRISSUR.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT:

1. THE SUB INSPECTOR OF POLICE,
   NILAMBUR.

2. HAMEED RAVUTHAR,
   S/O.HUSSANKUTTYN RAVUTHAR,
   KONNAMPOTTIKALATHIL HOUSE,
   PALLIKUTH P.O., CHUNKATHARA (VIA),
   MALAPPURAM DISTRICT.

BY SRI.P.K.VIJAYAN
PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 2158 of 2004

ORDER

The petitioner is the accused in Crime No.399/04 of Nilambur Police Station, registered for offences under Sections 468 and 420 IPC. What is produced as Annexure A1 is an FIR registered on the basis of a complaint filed by the second respondent before the Judicial First Class Magistrate's Court, Nilambur. It was forwarded for investigation and report under Section 156(3) Cr.P.C. Annexure A1 does not contain the details of the allegations in the complaint, except that the accused has caused a cheque being issued to have a case against him withdrawn without sufficient funds in his account and causing the details in the cheque to be written by someone else with a view to cheat the second respondent. The learned counsel for the petitioner also is unable to say as to what are the details in the complaint, on the basis of which Annexure A1 crime is

registered at the Nilambur Police Station. Other than Annexure A1, what is produced in this Crl.M.C. is true copy of the judgment in S.T.No.559/99 on the file of the JFCM Court, Nilambur. The tenability of the prayer to quash Annexure A1 FIR in crime No.399/04 of Nilambur Police Station cannot be appreciated and considered by this Court without the complaint being produced. This Crl.M.C. was filed as early as in 2004 and even as on this day, the vital document, which is necessary for consideration of this crl.M.C. is not produced.

In the circumstances, this Crl.M.C. is dismissed.

22nd June, 2007 (K.P.Balachandran, Judge)

tkv